

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 2899PERMIT 3777LICENSE 1463ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS License 1463 was issued to William McGinley and was filed with the County Recorder of Santa Cruz County on June 18, 1934, and

WHEREAS said license was subsequently assigned to L. Poletti and T. A. Morelli, and

WHEREAS the State Water Rights Board has found that the change in place of use under said license for which petition was submitted on August 17, 1964, will not operate to the injury of any other legal user of water, and

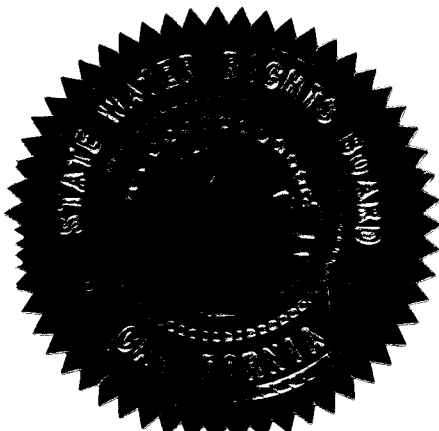
WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said place of use in accordance with said petition;

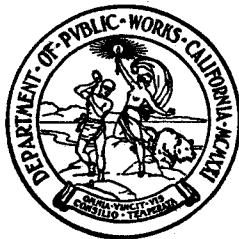
NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said License 1463 to place of use described as follows, to wit:

25 ACRES WITHIN $W\frac{1}{2}$ OF PROJECTED SECTION 20, T10S, R3W, MDB&M, AND 110 ACRES WITHIN $E\frac{1}{2}$ OF SECTION 19, T10S, R3W, MDB&M, AS SHOWN ON MAP FILED WITH THE STATE WATER RIGHTS BOARD.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 6th day of June, 1966

L. K. Hill
L. K. Hill
Executive Officer





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE **1463**

PERMIT **3777**

APPLICATION **2889**

THIS IS TO CERTIFY, That **William McKinley of Davenport, California,**
Notice of Assignment (Over)

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of **Scott Creek in Santa Cruz County**

tributary of **Pacific Ocean**

for the purpose of **irrigation and domestic uses**

under Permit **3777** of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from **June 22, 1922;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **twenty-eight hundredths (0.28) cubic feet per second from about May 1st to about December 1st of each season.**

The point of diversion of such water is located **South thirty degrees, eight minutes West (S. 30° 08' W.) twenty-one hundred eighteen (2118) feet from the Northeast corner of projected Section 19, T 10 S, R 3 W, M.D.B.M., being within the SE 1/4 of NE 1/4 of said projected Section 19.**

A description of the lands or the place where such water is put to beneficial use is as follows:

60 acres within the West 1/2 of projected Section 20, T 10 S, R 3 W, M.D.B.M., all as shown on map filed June 22, 1922, with the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions, therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, who has said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase, may be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Works of the State of California, this **twelfth**
day of **June**, 19 **34**.

EDWARD HYATT
State Engineer

By Harold Conklin Deputy

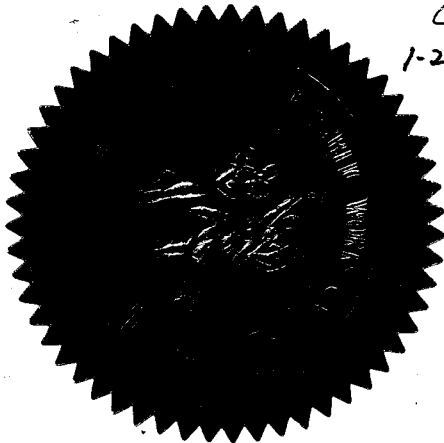
RECEIVED NOTICE OF ASSIGNMENT TO 2 Int. 2 N. Morelle

A. T. & Morelli

11-1-73 Name chgd to Estate of L. Poletti
10-28-75 Records chgd to show T. A. Morrell
& Louis Poletti, Trust of as
owners

1-2-79 assigned to Albert B. Smith

8/24/96 assigned to Cal Poly State
University Foundation



LICENSE
1463

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS**

DIVISION OF WATER RESOURCES

**LICENSE
TO APPROPRIATE WATER**

ISSUED TO ~~William McInley~~

DATED June 12, 1934

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